

CERTIFICATE OF MAILING (37 CFR 1.8a)

96-0024
APNH 5-7-97
Not AS signed
#37 1/2

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Board of Patent Appeals and Interferences Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 3/5/99

Tina Dasco
(Print Name)

Tina Dasco
(Signature)

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application

Examiner: D. Naff

Inventor's Name(s): Gelfand et al.

Group: 1803 / 1651

Serial No. 07/873,897,
filed April 24, 1992

Appeal No. 95-0024

For: Purified Thermostable Enzyme

BOARD OF PATENT
APPEALS &
INTERFERENCES
MAY 12 1997

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Alameda, CA 94501
March 5, 1999

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

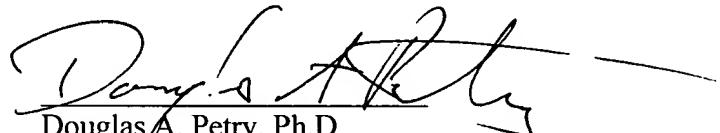
Applicants respectfully request that the above-referenced application be granted special status because of actual infringement.

The present case is in the final stage of an appeal. A notice of appeal was submitted on August 19, 1993. An appeal brief was filed on February 17, 1994. Oral arguments were presented on May 7, 1997, and summarized in the Summary of Oral Argument submitted May 16, 1997. Applicants now are waiting for the decision of the Board of Patent Appeals and Interferences.

Applicants submit herewith a statement by Applicant's agent pursuant to MPEP §708.02(H) and, further, Applicants offer to submit a further showing if necessitated by the facts of the case.

Please charge Deposit Account No. 50-0812 in the amount of \$130.00, the fee due under 37 CFR §1.17 for this petition. The Commissioner is hereby authorized to charge any additional fee or credit overpayment to Deposit Account No. 50-0812. A triplicate copy of this sheet is enclosed.

Respectfully submitted,



Douglas A. Petry, Ph.D.
Agent for Applicant(s)
Reg. No. 35,321
1145 Atlantic Avenue
Alameda, CA 94501
(510) 814-2874 Telephone
(510) 814-2977 Telefax